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Security Council

Sixty-seventh year

Provisional

6758th meeting

Tuesday, 24 April 2012, 10 a.m.

New York

President:	Ms. Rice	(United States of America)
Members:	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Berger
	Guatemala	Mr. Rosenthal
	India	Mr. Kumar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Karev
	South Africa	Mr. Sangqu
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2012/197)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2012/197)

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Spain to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/249, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I also wish to draw the attention of Council members to document S/2012/197, which contains the report of the Secretary-General on the situation concerning Western Sahara.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2044 (2012).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Sangqu (South Africa): The adoption of resolution 2044 (2012) comes at a time of uncertainty and turmoil in the Sahel, North and West Africa and the Middle East, when the peoples of those regions are demanding the full enjoyment of their human, socio-economic and political rights. It also comes at a time when the States of the Mahgreb are moving towards closer cooperation. It should be borne in mind that, despite such transitions within the region, the issue of Western Sahara still remains unchanged.

We appreciate the sustained efforts of the Personal Envoy of the Secretary-General for Western Sahara, Mr. Christopher Ross, towards finding a negotiated and peaceful solution to the question of Western Sahara. We welcome the fact that the parties have made some progress during the negotiations, especially on confidence-building measures. However, I regret that the parties have not yet moved on the core issue of realizing the objective of a just, lasting and mutually acceptable political solution that provides for the self-determination of the people of Western Sahara, as required by Security Council resolutions.

We welcome the parties' stated commitment to hold the next rounds of informal talks in June and July. We ask them to focus on the core issues in order to bring finality to that intractable dispute. We are also pleased at the intention of the Personal Envoy to visit the region, including an extensive visit to Western Sahara for the first time.

We welcome the efforts of the Kingdom of Morocco to advance the promotion and protection of human rights in Morocco itself, including the establishment of the National Council on Human Rights. The visit of the Special Rapporteur on cultural rights in September last year is welcome, and we encourage Morocco to ensure unqualified and unimpeded access to all special procedures of the United Nations Human Rights Council.

The Council has taken bold steps in the past 18 months to protect the human rights of peoples, particularly in North Africa and the Middle East. We must ensure that those rights of the people of Western Sahara are not ignored and that they too are defended with the same zeal and commitment. We are thus disappointed that, once again, the Security Council has been unable to find agreement on establishing an international, credible, legal and permanent human rights mechanism within the United Nations Mission for the Referendum in Western Sahara (MINURSO).

It is an anomaly that MINURSO is one of the few United Nations missions that does not have a human rights mandate. Such a double standard creates the

impression that the Security Council does not give priority to the human rights of the people of Western Sahara. The continuation of that trend has the potential to erode the credibility of this important body. We see no reason why the people of Western Sahara should be treated any differently. The selective approach to human rights by the Council calls into question the motivation of those who have conveniently looked the other way while human rights abuses are committed in the territory of Western Sahara. The special procedures of the Human Rights Council are an important element in ensuring the protection of human rights. However, they are not a substitute for a more permanent mechanism.

We are concerned at the restriction placed on MINURSO, particularly those measures that threaten to compromise its neutrality. We call on all parties to ensure that MINURSO is able to operate under generally accepted peacekeeping principles, norms and practices. We look forward to receiving a briefing and report from the Secretary-General on the challenges to MINURSO's operations and steps taken to address them.

South Africa reiterates the indisputable fact that Western Sahara remains the last colony on the African continent, listed as a Non-Self-Governing Territory by the United Nations. South Africa will continue to support efforts to achieve a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. It is for this reason that my delegation supported the adoption of resolution 2044 (2012), extending the mandate of MINURSO for another year.

The Security Council should continue to support this process in an unbiased manner and ensure that MINURSO is able to complete its mandate for three critical purposes for which it was intended: first, as an instrument of stability in the event that the political stalemate should continue; secondly, as a mechanism to implement a referendum on self-determination in the event that political negotiations should be successful; and thirdly, to provide independent information on conditions in the Territory to the Secretariat, the Security Council and the international community.

In concluding, I wish to raise my delegation's concern at the manner in which the report of the Secretary-General (S/2012/197) was prepared and finalized. Due consideration should be given to Article 100 of the Charter of the United Nations in the preparation of these reports.

Mr. Loulichki (Morocco) (*spoke in Arabic*): Morocco voted in favour of resolution 2044 (2012) because it encourages the parties to accelerate the pace of talks and calls on neighbouring States to strengthen their participation in helping to advance progress towards a realistic and negotiated political solution. These are steps that we support and to which we hereby commit ourselves.

We voted in favour of the resolution because it reiterates the importance and priority of the self-determination initiative launched by Morocco and welcomes the efforts made by my country since 2006. We are pleased to see the establishment of this negotiating framework. Morocco voted in favour of the resolution also because it reiterates the importance of registering the Tindouf refugees. This is a matter of relevance to our brothers in Algeria, given the presence of refugees in their country and their obligations under international humanitarian law with respect to those refugees.

The resolution is proof that the Council is mindful of our good faith and of the need to pursue efforts in Laayoune and Dakhla that have been affirmed by the National Council of Human Rights. It is also evidence of our commitment, reiterated by the Security Council through the resolution. The importance of the resolution will not be diminished by the doubts we heard expressed earlier. Our efforts fall in the natural context of reform undertaken by His Majesty King Mohammed VI, and have been given new momentum by the new Constitution and the transparent legislative elections that brought in a new Government.

Morocco voted in favour of the resolution because the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) is very important and appropriate in the context of the Organization's efforts. The mandate is now confined to pursuing a ceasefire, closely monitoring negotiations and facilitating confidence-building measures. These highly important functions strengthen regional stability and promote contact among the inhabitants of the Arab Maghreb through the efforts of Mr. Christopher Ross.

The Council was quite right to refuse, for the third year in a row, to consider broadening the mandate to include matters that are irrelevant to the functions

and nature of the Mission. We therefore believe that, in adhering to the original mandate, the Council is directing MINURSO to commit to the existing agreements. We voted in favour of the resolution because we are mindful that there is no alternative to negotiations and that there is no turning back. The approaches of the past cannot be revived today.

Since 2001, we have been convinced that the referendum approach could result in disharmony and tension in a society of coexistence that continues to seek consensus solutions. We have therefore adopted the approach of negotiation, which we have reactivated in recent years. In order to entrench that trend, we have adopted a realistic approach that derives its legitimacy from the most successful and democratic models. That is why the Security Council trusts that our efforts are earnest, honest and conducive to progress in the negotiating process.

Morocco is committed to these negotiations, aware that the Western Sahara is Moroccan and that Morocco must continue to exercise its sovereignty there. Morocco endured colonization in the early twentieth century and suffered greatly in seeking to maintain its own territorial integrity. We are committed to negotiations in order to preserve the stability of the Arab Maghreb, strengthen good-neighbourly relations among the States of the Maghreb, and create momentum that will allow us to transcend our differences and reinforce our common Arab dimension. The desire to live as good neighbours in our own neighbourhood will help us to resolve this conflict through joint efforts to establish a climate of stability in the Western Sahara.

We hope that today's resolution will bolster efforts to reach an agreement on the major issues and to achieve the realistic solution sought by all in the Maghreb, the Tindouf camps and the other Arab Maghreb States. I know that all members of the Council seek the same goal.

The President: There are no more speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.30 a.m.